

REMARKS

Claims 11-30 remain in this application. Claims 1-10 were previously canceled. Reconsideration of the application is requested.

Although it is respectfully submitted that the substitute specification filed June 16, 2006, is in acceptable form, several changes are made to the substitute specification above for clarity. Reconsideration of the objection set forth in section 1 on page 2 of the Office Action is requested.

The claim amendments above are made following consideration of the comments provided by the Examiner in section 2 on page 2 of the Office Action. It is respectfully submitted that the claims of this application now comply with the requirements of 35 U.S.C. § 112, second paragraph.

The comments provided by the Examiner in section 4 on page 3 of the Office Action are noted with appreciation. For reasons discussed above, however, it is respectfully submitted that all of the claims above are now in allowable condition.

Independent claim 11 is rejected under 35 U.S.C. § 102(b), along with certain dependent claims, as anticipated by U.S. Patent 5,398,533 to Shimanovski et al. Reconsideration is requested.

In section 3 on pages 2-3 of the Office Action, the Shimanovski et al. cutting edge 22 is identified by the Examiner as an encircling cutting edge. The Shimanovski et al. cutting edge 22, however, is not arranged in or at an encircling recess, defined by a profile severing device inner wall, for surrounding a hollow profile as claim 11 defines. Consequently, it is respectfully submitted that the anticipation rejection of claim 11 is not now applicable and should be

withdrawn. Nothing noted by the Examiner suggests modifying the piercing apparatus forming the subject matter of the Shimanovski et al. patent so as to meet the limitations mentioned, moreover, and it is further submitted that claim 11 above is patentable. All of the other claims in this application are dependent claims and should be patentable as well.

It is respectfully submitted that this application is in allowable condition for reasons discussed above. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57861US).

Respectfully submitted,

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